

New York State Office Of General Services
Procurement Services Group
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PURCHASING MEMORANDUM

GENERAL INFORMATION BULLETIN

NUMBER: CL-705

DATE: November 13, 2008

GROUP: 76000 Series - Software
79100 Series - Database

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES

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OTHER AUTHORIZED USERS

Customer Services
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SUBJECT: Information Regarding Software and Database Contracts with a Lapse in Contract Coverage or Contracts in Process

TO ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Information Regarding Software and Database Contracts with a Lapse in Contract Coverage or Contracts in Process

In situations where there is a lapse in a NYS Centralized Contract for Software or Database or a contract is currently in process (i.e., in negotiations or undergoing control agency review) please note the following:

- To make an acquisition during the lapse period or while a contract is in process, an Authorized User must follow its individual purchasing policies and procedures (i.e., use of discretionary threshold, follow bid requirements or establish an agency-specific contract).
- Agencies / Authorized Users need to be aware that terms and conditions provided by vendors may not be as favorable as those terms and conditions provided in a NYS Centralized Contract. Agencies / Authorized Users must ensure all appropriate reviews and approvals necessary within their individual agency and by the control agencies are completed.
- Agencies/Authorized Users may find it to be beneficial to include a contract migration clause, such as the following, to enable the Agency / Authorized User to move to the NYS Centralized Contract, when in place.

***Contract Migration** Authorized Users shall be permitted, at the Authorized User's discretion, to migrate to a New York State centralized contract at the time that Contractor is awarded a centralized contract for the same products or services, effective with its commencement date. Such migration shall not operate to diminish, alter or eliminate any rights that the Authorized User otherwise had under the terms and conditions of their individual contracts.*